

## Remarks

### Status of the Application

Applicants respectfully request reconsideration of the rejections set forth in the Office Action mailed on June 2, 2003.

- Claims 1-26 are rejected
- Claims 1-26 remain pending in the current application.

### Cited Art Distinguished

*Marullo* discloses a system and method that “automatically exercises and verifies web server applications and scripts by simulating a web browser to request, capture, store, and verify data returned from web servers” (*see* Abstract). In practice, *Marullo* describes a system where a virtual dynamic web browser performs automated web server application verification and testing (*see* col. 7, l. 65 – col. 8, l. 4). The problem solved by *Marullo* is the high order testing of web server applications by comparing input data with known or saved result(s) of a previous transversal of the web application. (*see* col. 8, ll. 12-17). The comparison of the data results in a log file that can reveal the *performance characteristics* of the underlying software package (*see* col. 8, ll. 18-55). As such, *Marullo* describes a fully functioning web server that is queried by a simulated web browser.

By contrast, the present invention requires a virtual machine configured to function *as a web server* (*see* Specification p. 8, ll.12-25; claim 1). The web server serves as a “window into the “state and performance” of the underlying virtual machine by “handling queries relating to the virtual machine” and “wherein the reply [from the web server] provides insight into or effects the operation of the virtual machine” (*see id.*). Thus, the present invention allows a remote user to query the virtual machine remotely via, for example, a web browser. Furthermore, the query is not simply an input data file to test the performance of the web server application as in *Marullo*, but is a debugging tool that allows a user to access low order details about the underlying virtual machine. Finally, the invention as described herein is not configured to act as a *fully functional* web server as in *Marullo*. Rather, the present invention requires a virtual machine configured to *act* as a web server or browsable VM so that a remote user using a web browser may access information about the virtual machine.

## The Claims

### Claim 1

The Examiner has rejected claim 1 under U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,044,398 to *Marullo* in view of U.S. Patent No. 6,185,619 to *Joffe*.

Claim 1 explicitly requires, “[a] virtual machine configurable to function as a browsable VM, the virtual machine comprising: a request handler worker for handling queries relating to the virtual machine.” *Marullo* discloses an application configured as a web browser to verify a *fully functioning web server* application using input data (*see* Abstract). The present claim requires a virtual machine configured as a *browsable VM* to handle queries relating to the virtual machine via, in one example, a web browser. As described above, *Marullo* discloses using input data rather than a user query. Thus, *Marullo* neither discloses nor suggests handling queries relating to a browsable VM.

Claim 1 further requires, “an operations worker for constructing output containing a reply to the incoming query, wherein the reply only provides insight into or effects the operation of the virtual machine”. *Marullo* does not only provide insight into or effect the operation of a virtual machine that is configured to function as a *browsable VM*.

*Joffe*, the Examiner’s secondary reference, describes a method for communication between multiple network servers. However, *Joffe* does not cure the deficiencies of *Marullo*. Thus, the ability to only provide insight into or effect the operation of the virtual machine that is configured as a browsable VM is lacking in any reasonable combination of the aforementioned references. Therefore Applicant respectfully submits that claim 1 is patentable over the art for at least these reasons.

### Claims 2-12

Applicants respectfully submit that claims 2-12 depend directly or indirectly from independent claim 1 and are therefore allowable over the cited art for at least the reasons stated for claim 1 above.

### Claims 13 and 26

The Examiner has rejected claims 13 and 26 under U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,044,398 to *Marullo* in view of U.S. Patent No. 6,185,619 to *Joffe*.

Applicants have amended claim 13 to explicitly require, “wherein the response only provides insight into or effects the operation of the virtual machine.” Support for this amendment may be found in the Specification (see Specification p. 8, ll.12-25; claim 1).

Amended claim 13 further requires, “[a] method of handling an incoming query to a virtual machine configurable to function as a browsable VM.” *Marullo* does not handle an incoming query to a virtual machine configured as a browsable VM as discussed above for claim 1. *Marullo* discloses an application configured as a web browser to act upon a web server application using known input data, whether received from a GUI edit field or input data file (*see* Abstract). Thus, the web server application in *Marullo* receives input data in contrast to the present claim, which receives queries to a browsable VM.

Amended claim 13 further requires, “effecting a response to the request by passing the request data structure to a virtual machine operations worker, wherein the response **only** provides insight into or effects the operation of the virtual machine; and transmitting the response to the browser.” Neither of the references, separately or in combination, discloses or suggests effecting a response to the request by passing a request data structure to a virtual machine operations worker, where the response *only* provides insight into or effects the operation of the virtual machine. Moreover, the references neither disclose nor suggest passing a request data structure to the virtual machine operations worker where the request data structure identifies the service needed to respond to the request. Rather, in *Marullo*, the results of the input data file that are manipulated by the web server application are returned to the virtual browser.

Therefore Applicant respectfully submits that amended claim 13 is patentable over the art for at least these reasons.

Applicants further submit that amended claim 26 is a computer readable medium claim with similar limitations to those in claim 13 and is therefore patentable for at least the same reasons as claim 13 above.

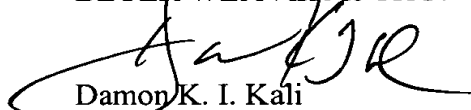
#### Claims 14-25

Applicants respectfully submit that claims 14-25 depend directly or indirectly from independent claim 13 and are therefore allowable over the cited art for at least the reasons stated for claim 13 above.

Applicants believe that all pending claims are allowable and respectfully requests a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Respectfully submitted,

BEYER WEAVER & THOMAS, LLP

  
Damon K. I. Kali  
Reg. No. 50,541

P.O. Box 778  
Berkeley, CA 94704-0778  
(650) 961-8300